

Advisory and Request for Assurance—NCLB

To: Superintendents of Schools

From: Peter McWalters, Commissioner of Education

Date: 6 December 2003

Subject: Transfer of School Disciplinary Regulations

As you know the NCLB Act has amended federal school record privacy laws relating to the transfer of school disciplinary records. Under the new law a student's " *disciplinary records, with respect to a suspension or expulsion*" must be transferred " *to any private or public elementary school or secondary school*" in which the transferring student " *is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis....*" The new law also requires Rhode Island Department of Education to assure the Federal Secretary of Education that Rhode Island public schools are in compliance with this new provision. The law [20 U.S.C. 7172(b)] states:

(b) Disciplinary records

In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after January 8, 2002, each State Receiving Federal funds under this chapter shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

Please confirm by return e-mail to ride1505@ride.ri.net, either immediately (if possible) or before December 31, 2003, that your school district is aware of this new law and that those charged with transferring school records are, in fact, implementing it. Thank you for your attention to this matter.